

REMARKS

In the office action mailed June 27, 2003, claims 1-40 were pending for consideration, and the following actions were taken:

- 1) the specification was objected to due to minor informalities cited by the Examiner;
- 2) the drawings were objected to due to minor informalities cited by the Examiner;
- 3) claims 1, 14, 15, 16, 17, and 33-39 were objected to due to minor informalities cited by the Examiner;
- 4) claim 9 was rejected under 35 U.S.C. 112, first paragraph;
- 5) claims 1-3, 7-13, 14-21, 23-26, 28, 29, and 33-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman '531, or alternatively, Kaufman '034; and
- 6) claims 30-32 were rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman '531.

Non-statutory objections to the Specification, Claims, and Drawings

The specification was objected to due to some perceived informalities pointed out by the Examiner. Such informalities include, in both the specification and claims, that the word "signal" be inserted between the words "electromagnetic" and "frequency" each time the term "electromagnetic frequency" occurs. This amendment is not believed necessary, as one skilled in the art would recognize what the term "electromagnetic frequency" means in the context of the application. This being stated, the Applicants have taken the suggestion of the Examiner and modified this term. This modification does not in any way change the meaning of the term, and as such, this non-statutory amendment to the claims and specification does not narrow the claim language in any way.

Additionally, the Applicants have amended the specification to include the other suggestions made by the Examiner, with the exception of one. The Examiner has suggested that the phrase "in region C, no electromagnetic wave absorption is register" [sic] is not a proper characterization in view of FIG. 1. This is not the case, as FIG. 1 clearly shows, and the specification states, that electromagnetic signal frequency 30 passes through both the plasma filter and the plasma antenna, and

indeed, electromagnetic signal frequency is not registered by the antenna. In other words, FIG. 1 in combination with the description in the specification makes it clear that the frequency shown passing through the antenna indicates that it is not absorbed by the antenna.

Paragraph [0028] and [0029] have been amended to include a brief description of reference labels 20, 34, 36, 38, and 40 which is similar to that in previous figure descriptions.

FIG. 4 has also been amended to include reference label --12--, as requested by the Examiner. A complete set of replacement drawings is included. Additionally, the Examiner requested that FIG. 5 be corrected to include reference labels --82-- and --84--. Instead of including these unnecessary reference labels, paragraph [0031] of the specification has been amended accordingly.

In the claims, as mentioned, the term “electromagnetic frequency” has been amended to read “electromagnetic signal frequency” and “electromagnetic signal frequencies” where appropriate. Again, it is to be emphasized that this amendment was not made for a statutory reason, and this amendment throughout the specification and claims is not narrowing, as the meaning of the term remains constant.

Rejection under 35 U.S.C. 112, first paragraph

Claim 9 was rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the term “combinations thereof” was objected to as it relates to the list of gases that can be used to form the plasma. This term has been amended to “mixtures thereof” which, as believed by the Applicant, has the same meaning. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. 102(b)

Claims 1-3, 7-13, 14-21, 23-26, 28, 29, and 33-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman ‘531, or alternatively, Kaufman ‘034. Additionally, claims 30-32 were rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman ‘531.

In order to sustain a rejection under 35 U.S.C. 102(b), the Examiner must show that each and every element of the claim is present in the prior art cited. The rejections of claims 1-3, and 7-13 are believed to have been rendered moot. Specifically, the subject matter of allowable claim 5, and all intervening claims, has been incorporated into claim 1. Further, the subject matter of allowable claim 4 has been rewritten as independent claim 41. As such, withdrawal of all rejections related to claims 1, 2, 4, 6-13, and 41 is respectfully requested.

Claims 14-21, 23-26, 28, and 29; as well as 30-32 were also rejected under one or both of the Kaufman references. Claim 14 has been amended to include the subject matter of now canceled claim 18. This amendment requires that the antenna element be a plasma antenna. None of the Kaufman references utilize two plasma elements, wherein one element, i.e. the antenna, is specifically configured for receiving electromagnetic signal frequency, and the other element, i.e. the filter, is specifically configured for reflecting electromagnetic signal frequency. There is no such teaching or suggestion of this arrangement in either Kaufman reference. Reconsideration on these grounds is thus, respectfully requested.

Lastly, claims 33-40 were also rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman '531, or alternatively, Kaufman '034. However, no explanation of this rejection as it relates to the purposeful method steps was provided by the Examiner. Neither of the Kaufman references discloses a step of identifying desired electromagnetic signal frequency being emitted with undesired electromagnetic signal frequency from a remote source, and using a plasma to reflect a first electromagnetic signal frequency and allowing a second electromagnetic signal frequency to pass. Additionally, neither Kaufman reference teaches the placement of an antenna of any type with respect the plasma such that desired electromagnetic signal frequency is received by the antenna, while undesired electromagnetic signal frequency is not.

As a further note, in the future, merely citing a reference that teaches of components that are accidentally arranged as described generally in claim 33 would not read on all of the elements of claim 33. For example, as claim 33 is a method of selectively receiving an electromagnetic signal from a remote source, any prior art cited to be relevant to patentability would need to teach the purposeful step of identifying desired electromagnetic signal frequency to be received from a remote

source, wherein the remote source is emitting at least one other frequency other than the desired frequency. Such a reference would also have to teach generating a plasma and positioning an antenna with respect to the plasma, or vice versa, to accomplish the goals set forth in the claims. Neither Kaufman reference teaches these elements. As such reconsideration of the rejection of claims 33-40 is respectfully requested.

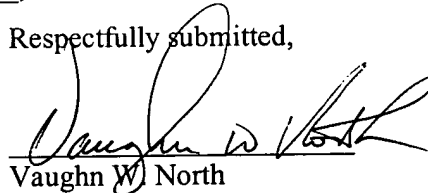
Applicants submit that each and every amendment herein, and throughout the prosecution of the present application is fully supported by the specification as originally filed, and that no new matter has been added.

In view of the foregoing, Applicants believe that claims 1, 2, 4, 6-17, and 19-41 present allowable subject matter and allowance is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone Gary Oakeson, or the undersigned attorney, at (801) 566-6633, so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 26 day of Nov, 2003.

Respectfully submitted,



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